

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 735 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : YES
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

N.G. VAJA

Versus

STATE OF GUJARAT

Appearance:

PARTY-IN-PERSON for Petitioner
M/S PATEL ADVOCATES for Respondent No. 1
RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 24/11/2000

ORAL JUDGEMENT

The present petition is filed by Party in Person
and though he was issued a notice on 15.9.2000, fixing
the date of hearing on 6.10.2000, he did not remain
present before the Court. However, in order to see that

interest of justice is served, a notice was again issued, which was served on him on 6.11.1990, intimating that hearing of the matter is fixed on 17.11.2000. On 17.11.2000, the matter was kept back so as to give him an opportunity to report during the course of the day, but he did not remain present. After the Court hours are over, the matter was adjourned to 24.11.2000. Today, neither the Party in Person is present nor any report is submitted by him either on 17.11.2000 or during the week days. Hence the matter is taken up for hearing.

2. The present petition is filed by the petitioner seeking the following reliefs :

"20. The petitioner, therefore, prays :

(A) That the Hon'ble Court may be pleased to issue necessary order, writ or direction to quash and set aside the impugned order dated 24.3.86, Annexure 'Q'.

(B) Pending the admission and final hearing of this petition, the implementation of the impugned order dated 24.3.86, Annexure 'Q' may please be stayed.

(C) Pending admission and final disposal of this petition, the Govt. may please be restrained from reviewing his case for retiring him from service on the petitioner's completing the age of 50 years on 22.2.1988.

(D) Any other relief that may be deemed fit and proper may please be granted.

(E) Costs of this petition may please be provided for."

3. The relief sought for is to quash and set aside the impugned order dated 24.3.1986. A perusal of the order reveals that while the petitioner was serving as Mamlatdar and was also discharging duties as Mamlatdar & ALT, he was found to have committed serious irregularities, such as, conclusions were recorded in the cases dealt by him which were not borne out from the record of the case nor from the deposition of witnesses in the relevant case. It was also alleged against the petitioner that hearing of the case, which was otherwise required to be undertaken only after service of notice to both the parties, was undertaken by him ex parte, without notice being served on the other side. Specific

instances were also quoted in the statement of accusation which was served to the petitioner, which was referred to in para 3 of the said order.

4. It is further stated in para 7 of the order that by order of the Government dated 21.12.1982, an officer was appointed as an inquiry officer and the said inquiry officer has submitted his report dated 31.3.1983 to the Government. The inquiry officer had held that out of the allegations and the charges levelled against the petitioner vide charge sheet dated 25.6.1989, charges nos.1 and 2 were partly proved, charges 3 and 4 were not proved, and charges nos.5, 6 & 7 were fully proved. It is further recorded in the said letter that the Govt. after serious consideration had agreed with the inquiry officer's report and therefore, the petitioner was imposed penalty of compulsorily retiring the petitioner. The petitioner was given an opportunity to show cause as to why the penalty proposed should not be imposed on him. The notice was served by letter dated 5.4.1984, to which a reply was filed by letter dated 13.7.1984. Besides that the petitioner had also made a representation before the Deputy Secretary of the Department, in person, on 20.6.1984. After taking into consideration his aforesaid representation, written as well as oral, the Government had changed its decision of compulsorily retiring the petitioner and decided to impose penalty of stoppage of two increments with future effect. It is this order, which is under challenge in this petition.

5. Having gone through the contentions raised in the petitioner and the annexures on the record, I find no substances in the matter. Hence the petition is dismissed. Rule is discharged with no order as to costs.

24th November 2000 (Ravi R. Tripathi, J.)

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